

RESOLUTIONS

OF THE LEGISLATURE,

AND

MESSAGE OF THE GOVERNOR,

OF THE

State of Alabama.

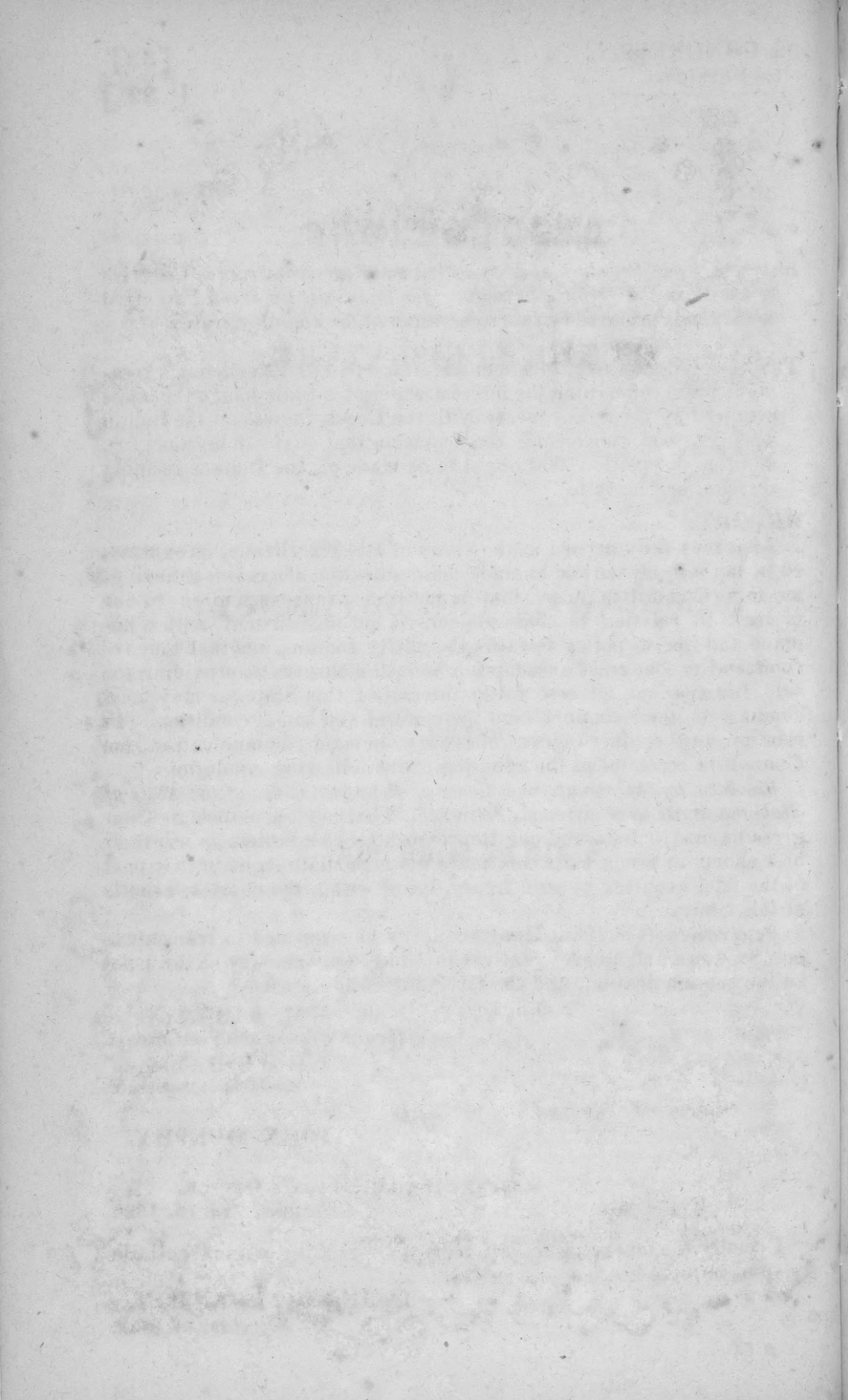
FEBRUARY 7, 1826.

Printed by order of the Senate of the United States.

WASHINGTON :

PRINTED BY GALES & SEATON.

1826.



RESOLUTIONS

Instructing our Senators and requesting our Representatives in Congress to use their best efforts to procure for this State the immediate right to the lands acquired by the recent treaty at the Indian Springs.

The Select Committee, to whom was referred His Excellency's communication concerning the interest which this State has in the lands acquired by the recent treaty with the Creek Indians at the Indian Springs, and concerning the provision that ought to be made for, and the disposition that ought to be made of, the Indians residing thereon, beg leave to

REPORT:

That they fully accord in the views of His Excellency, as expressed in the enlightened and humane communication aforesaid, believing, as this Committee does, that a due and proper attention to our interest in relation to that subject, is not inconsistent with a humane and liberal policy towards the native Indians, and that they recommend to Congress an adoption of such measures in providing for said Indians, not adverse to the interest of this State, as may most conduce to their comfort, and their moral and social condition. In relation to the other object referred to in said communication, the Committee recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to procure for this State the immediate right to that part of the land acquired by said treaty, lying within the chartered limits of this State.

Resolved, further, That His Excellency be requested to transmit to our Senators and Representatives in Congress, one copy of the Executive communication, and the foregoing resolutions.

WM. KELLY,

Speaker of the House of Representatives.

NICH'S DAVIS,

President of the Senate.

Approved, January 14, 1826.

JOHN MURPHY.

SECRETARY'S OFFICE,

Cahawba, Jan. 16, 1826.

I certify the foregoing to be a correct copy of the original roll, deposited in my office.

JAMES I. THORNTON,

Secretary of State.

MESSAGE.

To the Hon. the Speaker and Members of the House of Representatives:

GENTLEMEN: The present communication I make reluctantly, but from a sense of duty. I have, for some time past, during your present session, revolved in my mind the propriety of bringing to your view the concern which we have in the proceedings on the late Indian treaty, by which the State of Georgia and this State acquired territory from the Creek Nation of Indians; the State of Georgia the property and jurisdiction of the soil, this State the jurisdiction only. I have been fully sensible that it would require peculiar moderation, magnanimity, and reflection, either to assert or prosecute our rights, so as to avoid any unjust animadversions on the one hand, or charges of undue regard to self-interest on the other. The excitement which has elsewhere been felt, and which gave so much concern to the friends of the peace and harmony of the Union, and an unwillingness to appear upon the same troubled scene, gave motions not lightly to be disregarded, that the subject should not be touched without very justifiable necessity. The treaty, however, has been, and still is, before the public; and, should we prosecute the concern which we have in it with moderation and liberality, becoming an enlightened and generous people, we shall acquit ourselves to the satisfaction of those in whose service we are, and stand justified and respected in the opinion of the other members of the confederation. This treaty is alleged not to have been negotiated in good faith, and, although duly ratified by the competent authorities, to be avoidable on account of fraud in the means by which it was obtained. With this question, we have, of course, very little to do; we were not parties in the transaction, and are not constituted the judges of it; this is left to other powers, in which our high confidence may remain unimpaired; but should the treaty have been negotiated in such a manner as to entitle it to the ordinary force and obligation of such compacts, this State has acquired rights under it, which neither the people of this State or our brethren of the United States would expect or wish us to abandon—should this treaty have been entered into in such manner as other Indian treaties, which have been sanctioned and continued of force, no refinements, hitherto unpractised, ought to operate to our prejudice, and deprive us of the right of our chartered limits, guarantied by the confederation; a right which, in fact, involves population, revenue, strength, and respectability in the scale of the Union. We have every reason to confide that nothing will be done derogatory to the justice and magnanimity of the United States, or injurious to the interests of this, or any other State, which can be avoided by much care-

ful deliberation, or which lies beyond the reach of urgent necessity. There are, however, a combination of circumstances, a calculation of policy, an adjustment of beneficent purposes, a reconciliation of principles which may seem to conflict, which give to this question a novel character, and present it in an aspect altogether peculiar. It involves the rights and interests of States, the justice due to the aboriginal population, and the measures by which the munificence of the General Government may be most effectually and beneficially extended to them. We are rapidly approaching to a crisis in our affairs with a portion of the natives of the country, and it is high time to devise and to reduce to system a just and well judging humanity, by which the future conduct of the United States towards them will be regulated. When chartered limits were assigned to the several States having Indian population, it does not seem to have entered into the contemplation of any one that they would remain there fixed and permanent. Such had not been the constant experience; they had continually retired from our settlements, or had wasted away in the midst of us, without any valuable improvement in mind or morals. The Indians of the North and South, many nations of renown in their time, either became extinct, or wandered in scattered remnants, to take shelter with tribes which we had not yet approached, losing their name and the tradition of their former pride and power. Under this experience, the States have been led to expect the speedy possession of their limits, and have gone on to make their local arrangements with reference to this desired consummation. What then can be done to justify the aspiring expectation of the States, and deliver the Indians from the consequences hitherto fatal, which have resulted from a proximity to our population? Or, are we to suppose that the results in future will be different from the past? Or, is it established, that any beneficent purpose which does honor to the General Government, may be carried into effect, in such a situation, to a greater extent, or with more facility, than in others which it is convenient to provide? These questions deserve a careful solution; and, with this view, it will be necessary to ascertain, from what cause it has always been seen, that their numbers rapidly decrease in the vicinity of civilized society. It is, no doubt, by the introduction of our vices, which are soon embraced, and have a strong and unresisted attraction, because the slow progress of morals and civilization among them, is unable to oppose any effectual restraint. To civilize a people from a rude and barbarous condition, they should be removed from the influence of the vices and luxuries which prevail in civilized life, and subjected to that discipline and instruction by which a change of life, manners, and mental improvement, is gradually produced. The virtues must first be cultivated, and the mind strengthened against the seductions of vicious gratification. Such is the natural order of things; and experience only confirms what theory might justly predicate, on a correct knowledge of human nature. Such has been the evidence of history; for, the Provinces farther removed from the vices, refinements, and luxuries of Rome, but subjected to its laws, and instructed by its arts, made the most solid, if not the most immediate,

progress in civilization. This necessary course cannot be pursued with the Indians whilst they remain within our limits; they have continual access to whatever tends to corrupt them; they have constant testimony that their condition is regarded as inferior to others, than which nothing is more destructive to virtuous pride and generous emulation; and the abandoned part of our people, who alone can mingle freely with the nation, as a body, without losing their standing in society, will introduce our vices and prevent the introduction of our virtues, by which alone the deleterious effects of vice might be mitigated. We may, therefore, expect, as has been the case in all other instances, to see the rapid progress of the nation to extinction; destroyed by our example, which they will soonest imitate, and preyed upon by those among themselves, who attain to greater improvement of mind, and, especially, learn to better effect the arts and the cunning by which self-interest, unrestrained by the correct influences of a higher order of society, appropriates to itself the rights and benefits to which others are entitled. What then is to be done for this people, who had priority of us in the occupation of this favored land? Must, then, the increase of our population, and the progress of improvement among us, continue to blot out their names from the catalogue of nations, and leave only faint traces of history that they ever had an existence? We should provide living monuments to show the liberality of our institutions towards the natives, and proudly boast of nations rescued from barbarism by our means, and exalted, from so low an estate, to the high standing and happiness of enlightened communities. This, it would seem, can only be done, subdivided and circumscribed as the Indian nations among us now are, by establishing them within limits of their own, guarantied by the General Government; and, by extending to them the protection of our arms, the patronage of our power, the benefits of learning, the knowledge of agriculture and the arts, and the humane influences of religion. In such a situation they might become gradually subject to our laws, and, indeed, a change of their civil institutions may be absolutely necessary to their speedy civilization, or, at least, to facilitate its progress. In limits of their own, they would be freed from the restlessness, agitation, and uncertainty, which attend their present condition. They must suppose they are at the mercy of superior power; that they oppose obstacles to the wishes of their neighbors; and that their situation is quite different, in point of right and stability, from that of the white population around them. It would be well to remove these impressions, which must operate to their prejudice, and place them on a footing, in that respect, with the people of the United States. I agree entirely with the just and liberal views of my predecessor in office on this subject, that the United States should assume a parental guardianship over them, and thus extend their beneficence, in such manner as best to promote the welfare of the Indians. The United States can lose nothing by the exercise of this care and humanity towards them; they themselves will furnish the means, according to the liberal policy which recognizes their right to the lands they occupy.

The lands which they will relinquish within the chartered limits of the States, will sell for an amount which will reimburse the treasury, and afford an excess which ought to satisfy any reasonable expectation, from the national domain. To continue them where they are, to the great detriment of the several States, until they become extinguished, and thus surrender the whole of their lands, (which, in effect, it is believed would be the final result of such a measure) would neither comport with the justice, generosity, or humanity, of a liberal and Christian people. The vast unoccupied regions within the limits of the United States, afford every desirable facility for the present accomplishment of this purpose. The Indians should not be located within the limits of any State or Territory, if it can be avoided, so that the recurrence of similar difficulty may be prevented in future. Let the Indians, a wandering and hitherto unsettled portion of our species, acquire, under the auspices of the United States, a fixed and permanent habitation. This obvious policy has not been overlooked in our national councils; and it would seem that the present moment is very propitious for the commencement of the systems which may hereafter be predicated upon it. The United States can lose nothing by us, even should we ask that a just provision, if practicable, be made for the Indians, which will lead to the extinguishment of their title within our limits, at least to the extent of the treaty; and that if the Indians received too little consideration under it, for the lands which they relinquished, that the consideration be made ample and sufficient, and that the treaty be sustained, if this be the ground of complaint. We ask no violation of justice or humanity due to the Indians; we sincerely wish and would be glad to contribute to their improvement and happiness. But, we have interests too, and if there may be, by a well matured system, a due attention to our interests and theirs, we have a claim which will not be denied. I have only hastily touched upon the outlines of this subject, being engaged in other duties, and especially waiting for more precise information; and yet must claim your indulgence for the length, as well as imperfection of the present communication. My main object, however, will be easily seen, which is to invite your attention to make such representation to the Government of the United States as this subject, in all its various bearings, may seem to your wisdom to require. The temperate expression of our opinions and views will be kindly received by the national authorities, of whose justice and liberality we have had constant experience.

I have the honor to be, very respectfully, your most obedient. &c.

JOHN MURPHY.

